

CHARTER COMMISSION MEETING MINUTES

MONDAY, NOVEMBER 1, 2010

705 W. University Avenue, Council Auditorium

Commission members in attendance: Odon Bacque, Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

Absent: None

Charter staff members in attendance: Pat Ottinger (City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

Council Members/Staff in attendance: Council Chair Jay Castille, Councilman Keith Patin, Councilman Don Bertrand, Council Clerk Norma Dugas

Administration staff in attendance: City-Parish President Joey Durel and Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance
Commissioner Keith Miller was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members.

Lewis reminded that there was a proposition on the November 2nd ballot and asked Pat Ottinger to clarify the proposal. Ottinger explained that the current language in the Charter included a severe time constraint on accomplishing redistricting, which was six months prior to the election of the governing authority. The strict time constraint occurred every ten years. Approval of the November 2nd ballot item would amend the Charter and remove the 6-month requirement. Also, redistricting would be accomplished applicable to state law. Lewis recommended support of the proposition.

Oats stated that information had been placed at the Commissioners' seat with reference to the presentation scheduled for the following week by Dr. Pearson Cross, University of Louisiana at Lafayette Political Science professor.

Carson reiterated that any Charter amendments/proposals must be communicated clearly to the citizens. Although it was not the job of Commissioners to find a funding solution, she would first want to know the cost impact of any given proposal.

AGENDA ITEM NO. 4: Recognize City-Parish Attorney Pat Ottinger for presentation on Legal Department

Ottinger gave a presentation on the Legal Department and suggested Charter amendments. The City-Parish Attorney

- was an appointed position
- served at the pleasure of the City-Parish President

- reported directly to the president
- was approved by a majority of the authorized membership of the Council, and
- served as chief legal advisor to the president, council, all department offices/agencies and LCG boards/commissions under home rule charter.

Ottinger identified the following suggested amendments with reference to the:

- City Prosecutor – there was no reference to this office in the Charter, which he suggested be identified as an Assistant City-Parish Attorney. Oats asked the number of Assistant Attorneys and Ottinger responded approximately 40 lawyers in a variety of fields. Under Special Counsels, there were between 9-12 law firms, some of which were from Washington D.C. and Kansas. Oats then asked the pay scale of the lawyers and Ottinger noted that pay was on a graduated scale based on years of service and specialization.
- Removal of unclassified employees – giving the City-Parish President the ability to remove non-civil service/“at will” employees of LCG.
- Joint Services or Cooperative endeavor agreements - providing for clarification on same as that related to political subdivisions.
- Date of taking office – be changed to accommodate legal holidays.
- Authority to sign contracts and other instruments – to clarify and streamline the circumstances without Council action
- Temporary absence of president – to clarify what would be considered “temporary absence”.
- Consent agenda – where the Chair and the Clerk of the Council would identify those matters perceived as non-controversial items and place the items on a consent agenda. Conque asked if the presentation would address electronic vs. voice votes and Ottinger responded that nothing in the Charter prevented electronic voting; however, the open meetings law restricted that right. The Attorney General endorsed the use of electronic voting.
- Selection of Council Members to fill vacant positions – suggested that new language be added to avoid the expense of an election.
- Facsimile signatures – clarify language on usage.

Bacque asked if Ottinger saw a conflict on performing the job as legal advisor for both the city and parish if there were two (2) governing authorities and Ottinger responded that providing legal advice could be problematic as one person would wear two hats. Lewis asked for Legal to provide clarification on the meaning of “parish” government and Ottinger clarified that the word “consolidation” was a misnomer. Consolidation assumed that two (2) entities were merged and became one, which was not LCG’s structure. Under the consolidated government, only the governmental functions were consolidated. Ottinger reminded that legislation prohibited the previous Charter Commission from including the small municipalities. Conque asked if the City-Parish Council had jurisdiction over the small municipalities and Ottinger responded negatively, adding that LCG consisted of the City of Lafayette and the unincorporated area of the parish of Lafayette.

Bacque asked if the consolidated functions, as operating today, were more efficient in providing services to the city and parish and Ottinger responded that the functions were more efficient in that there was now one director in departments, whereas pre-consolidation there were two. Bacque noted that additional funds would be required, should a new City Council be created and Ottinger concurred.

Walker questioned how the Charter was approved by the federal government knowing that citizens of the City would not be represented on the utility board. Ottinger reminded that the LPUA was not limited to five (5)

members and at two levels of government the Charter was approved. Further, there was a 60 day period to challenge the Charter by citizens, which did not occur within the timeline.

AGENDA ITEM NO. 5: Further consider and discuss proposals relative to the governance structure of Lafayette Consolidated Government.

Lewis stated that a preliminary vote was taken, during the last meeting, for a 7-member City Council and mayor and called for discussion on the makeup of the Parish governing authority.

In response to the argument that a move towards a City Council would be to the detriment of the Parish, Conque stated that he felt the parish could not go back to its pre-consolidation structure. He supported the consolidated functions. The parish operated under limited funds, with only 24% of the mills going towards parish mandates, which were inadequate to support those needs. Parish operations depended heavily on the general fund. Conque recommended that the Parish Council be made up of 9 members.

Manuel asked what a new parish council would regulate and Ottinger stated that the parish council would be the governing authority for the unincorporated area and would address the mandated functions of the parish. Lewis added that the body could also consider parishwide bond issues, property taxes, enter into governmental agreements, etc. Conque stated that in performing research he found that Caddo Parish had a parish council with a full time administrator.

A motion was offered by Oats, seconded by Conque to identify a preliminary Charter amendment to provide for a separate Parish Council.

Manuel reminded that he had previously suggested a weighted vote model for the existing Council, which could be used for voting on City matters. Bacque concurred with the suggestion and felt the model should be pursued. Further, he recommended that an at-large council member be considered, voting only when there was a tie-vote. He then questioned if ballot items submitted by the Charter Commission could propose different governments in addition to a different ballot item of text amendments. Manuel felt it would be a significant cost to citizens to separate the governments. Ottinger stated that amendments could be presented as a package or separate.

Upon vote on the motion by Oats, seconded by Conque **to identify a preliminary Charter amendment to provide for a separate Parish Council**, the vote was as follows:

YEAS: Conque, Lewis, Oats, Walker

NAYS: Bacque, Bourgeois, Carson, Manuel, Miller

ABSENT: None

ABSTAIN: None

The motion was failed.

Manuel stated that more time was needed to review options. Bourgeois concurred that he did not want to rush into arbitrarily approving amendments. Lewis emphasized that the Commission had to have a starting point. Following the defeat of the motion, Lewis requested that Commissioners submit their questions or proposals prior to the next Commission meeting for response and/or consideration. Ottinger clarified that the way in which the final product would be presented was the discretion of the Commission, whereby the choice may be to present the final product to have a high or low number of distinct propositions on the ballot. The only limitation was that if the governments were separated (deconsolidated), then two distinct Charters for the two new governments, the city and the parish, must be generated.

AGENDA ITEM NO. 6: General comments from the public on Consolidation

Lewis Kellogg supported Ottinger's previous recommendation relative to the suggested charter amendment on contracts. Further, he asked that the Commission take into consideration the future growth of the City when considering the number of Council members. He reminded that people in the City paid both a City and Parish tax for additional services; and parish citizens should vote to pay more taxes, if they too wanted additional services.

AGENDA ITEM NO. 7: Next meeting date

The next meeting was November 8 to hear a presentation from Dr. Pearson Cross, University of Louisiana at Lafayette Political Science and continue discussion on the Parish governing authority.

AGENDA ITEM NO. 8: Adjourn

There being no further business, the meeting adjourned at 7:35 p.m.